

### SCHEDULE III.

(See section 36.)

### ORDINARY POWERS OF <sup>1</sup>[STATE] MAGISTRATES.

### I.—*Ordinary Powers of a Magistrate of the Third Class.*

- (1) Power to arrest, or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.
- (2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.
- (3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 86.
- (4) Power to issue proclamations in cases judicially before him, section 87.
- (5) Power to attach and sell property <sup>2</sup>[and to dispose of claims to attached property] in cases judicially before him, section 88.
- (6) Power to restore attached property, section 89.
- (7) Power to require search to be made for letters and telegrams, section 95.
- (8) Power to issue search-warrant, section 96.
- (9) Power to endorse a search-warrant and order delivery of thing found, section 99.
- (10) Power to command unlawful assembly to disperse, section 127.
- (11) Power to use civil force to disperse unlawful assembly, section 128.
- (12) Power to require military force to be used to disperse unlawful assembly, section 130.
- \* \* \* \* \*
- (14) Power to authorise detention <sup>2</sup>[not being detention in the custody of the police] of a person during a police-investigation, section 167.
- <sup>2</sup>[(14a) Power to postpone issue of process and inquire into case himself, section 202.]
- \* \* \* \* \*
- (15) Power to detain an offender found in Court, section 351.
- \* \* \* \* \*
- (17) Power to apply to <sup>5</sup>[Sessions Judge] to issue commission for examination of witness, section 506 (2).

<sup>1</sup> Substituted by the A. O. 1950 for "Provincial".

<sup>2</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 160.

\*Item 13 rep. by s. 160, *ibid.*

\*Item 16 rep. by the Repealing and Amending Act, 1925 (37 of 1925), s. 3 and Sch. II.

\*Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for "District Magistrate".

SCHEDULE III—*contd.*

(18) Power to recover forfeited bond for appearance before Magistrate's Court, section 514 <sup>1</sup>[and to require fresh security, section 514A].

<sup>1</sup>[(18a) Power to make order as to custody and disposal of property pending inquiry or trial, section 516A.]

(19) Power to make order as to disposal of property, section 517.

(20) Power to sell <sup>2</sup>\*property of a suspected character, section 525.

<sup>1</sup>[(21) Power to require affidavit in support of application, section 539A.]

<sup>1</sup>[(22) Power to make local inspection, section 539B.]

II.—*Ordinary Powers of a Magistrate of the Second Class.*

(1) The ordinary powers of a Magistrate of the third class.

(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or commit for trial, section 155.

<sup>3</sup>[(3) Power to postpone issue of process and to inquire into a case or direct investigation, section 202.]

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III.—*Ordinary Powers of a Magistrate of the First Class.*

(1) The ordinary powers of a Magistrate of the second class.

<sup>4</sup>[(1a) Power to direct warrants to landholders, section 78.]

(2) Power to issue search-warrant otherwise than in course of an inquiry section 98.

(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.

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<sup>7</sup>[(7a) Power to record statements and confessions during a police investigation, section 164.]

<sup>7</sup>[(7aa) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.]

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(8) Power to commit for trial, section 206.

<sup>1</sup> Inserted by the Code of Criminal Procedure (Amendment) Act, 1923 (18 of 1923), s. 160.

<sup>2</sup> The word "perishable" rep. *ibid.*, s. 160.

<sup>3</sup> Substituted by s. 160, *ibid.* for original item.

<sup>4</sup> Item (4) rep. by s. 160, *ibid.*

<sup>5</sup> Inserted by Bom. 23 of 1951, s. 2 and Sch. Pt. I.

<sup>6</sup> Items (4), (5), (6), (6a), (7) and (7b) were deleted, *ibid.* They are as under:—

" (4) Power to require security to keep the peace, section 107.

" (5) Power to require security for good behaviour, section 109.

(6) Power to discharge sureties, section 126A.

(6a) Power to make orders as to local nuisances, section 133.

(7) Power to make orders, etc., in possession cases, sections 145, 146 and 147.

(7b) Power to hold inquests, section 174."

<sup>7</sup> Inserted by Act 18 of 1923, s. 160.

SCHEDULE III—*contd.*

(9) Power to stop proceedings when no complainant, section 249.

<sup>1</sup>(9a) Power to tender pardon to accomplice during inquiry into case by himself, section 337.]

(10) Power to make orders of maintenance, sections 488 and 489.

(11) Power to take evidence on commission, section 503.

(12) Power to recover penalty on forfeited bond, section 514.

<sup>1</sup>(12a) Power to require fresh security, section 514A.]

<sup>1</sup>[(12b) Power to re-call case made over by him to another Magistrate, section 528 (4).]

(13) Power to make order as to first offenders, section 562.

<sup>1</sup>[(14) Power to order released convicts to notify residence, section 565.]

<sup>2</sup>[III-A.—*Ordinary Powers of a Taluka Magistrate.*

(1) Power to arrest or direct the arrest of, and to commit to custody a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest, in his presence of an offender, section 65.

(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83, 84 and 85.

(4) Power to require search to be made for letters and telegrams, section 95.

(5) Power to issue search warrant, section 96.

(6) Power to endorse a search warrant and order delivery of things found, section 99.

(7) Power to command unlawful assembly to disperse, section 127.

(8) Power to use civil force to disperse unlawful assembly, section 128.

(9) Power to require military force to be used to disperse unlawful assembly, section 130.

(10) Power to apply to District Magistrate to issue commission for examination of witness, section 506.

(11) Power to recover penalty on forfeited bond, section 514 and to require fresh security, section 514-A.

(12) Power to make order as to disposal of property, section 517.

(13) Power to sell property of a suspected character, section 525.

<sup>1</sup> Inserted by Act 18 of 1923, s. 160.

<sup>2</sup> Part III-A was inserted by Bom. 23 of 1951, s. 2 and Sch. Pt. I.

IV.—*Ordinary Powers of a Sub-divisional Magistrate* [appointed under section 13].

27(1) *The ordinary Powers of a Taluka Magistrate.*]

(2) Power to direct warrants to landholders, section 78.

<sup>2</sup>[(2a) Power to issue search-warrant otherwise than in course of an inquiry, section 98].

(2b) Power to issue search-warrant for discovery of persons wrongfully confined,  
section 100.

(2c) *Power to require security to keep the peace, section 107.*

<sup>47</sup>(2cc) Power to require security for good behaviour, section 108.]

(2d) *Power to require security for good behaviour, section 109.*]

(3) Power to require security for good behaviour, section 110.

<sup>37</sup>(4) *Power to discharge sureties, section 126A.*

(4a) Power to make orders as to local nuisances, section 133.]

(5) Power to make orders prohibiting repetitions of nuisances, section 143.

(6) Power to make orders under section 144.]

<sup>3</sup>[(6a) *Power to make orders, etc., in possession cases, sections 145, 146 and 147.*]

(7) **Power to depute Subordinate Magistrate to make local inquiry,** section 148.

(8) Power to order police investigation into cognizable case, section 156.

<sup>3</sup>[(8a) Power to record statements and confessions during a police investigation, section 164.]

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<sup>37</sup>[(10) *Power to hold inquests, section 174.*]

(11) Power to issue process for person within local jurisdiction who has committed an offence outside the local jurisdiction, section 186.

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(17) Power to forward record of inferior Court to District Magistrate, section 435 (2).

(18) Power to sell property alleged or suspected to have been stolen, etc., section 524.

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<sup>1</sup> Inserted by Act 18 of 1923, s. 160.

\* Substituted by Bom. 23 of 1951, s. 2 and Sch. Pt. I, for the original item (1) which reads as under:—

“(1) The ordinary powers of a Magistrate of the first class.”

\* Inserted, *ibid.*

\* Inserted by Bom. 34 of 1953, s. 10 (1).

<sup>6</sup> Item (9) was deleted, *ibid.* It is as under:—

"(9) Power to receive report of police-officer and pass order, section 173."

\* Items (12) to (16) and item (19) were deleted by Bom. 23 of 1951, s. 2 and Sch. Pt. I.

They are as under:—

"(12) Power to entertain complaints, section 190.

(13) Power to receive police-reports, section 190.

(14) Power to entertain cases without complaint, section 190.

(15) Power to transfer cases to a subordinate Magistrate, section 192.

(16) Power to pass sentence on proceedings recorded by a Subordinate Magistrate, section 349.

(19) Power to withdraw cases other than appeals, and to try or refer them for trial, section 523.

<sup>7</sup> Item 20 (rep.) by Act 18 of 1923, s. 160.

SCHEDULE III—*concl'd.*V.—*Ordinary Powers of a District Magistrate.*

(1) The ordinary powers of a Sub-divisional Magistrate.

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(2) Power to require delivery of letters, telegrams, etc., section 95.

(3) Power to issue search-warrants for documents in custody of postal or telegraph authority, section 96.

(4) Power to require security for good behaviour 2\* \* \* , section 108.

(5) Power to discharge persons bound to keep the peace or to be of good, behaviour, section 124.

(6) Power to cancel bond for keeping the peace, section 125.

<sup>3</sup>[(6a) Power to order preliminary investigation by police-officer not below the rank of Inspector in certain cases, section 196B.]

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<sup>3</sup>[(7a) Power to tender pardon to accomplice at any stage of a case, section 337.]

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(9) Power to hear appeals from orders requiring security for <sup>3</sup>[keeping the peace or] good behaviour, section 406.

<sup>3</sup>[(9a) Power to hear appeals from orders of Magistrates refusing to accept or rejecting sureties, section 406A.]

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(11) Power to call for records, section 435.

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(17) Power to appoint person to be Public Prosecutor in particular case section 492 (2).

(18) Power to issue commission for examination of witness, sections 503, 506.

(19) Power to hear appeals from or revise orders passed under sections 514, 515.

(20) Power to compel restoration of abducted female, section 552.

<sup>1</sup> Items (1a), (7), (8), (10), (12), (13) and (14) were deleted by Bom. 23 of 1951, s. 2 and Sch. Pt. I. They are as under:—

“(1a) Power to try juvenile offenders, section 29B.

(7) Power to try summarily, section 260.

(8) Power to quash convictions, in certain cases, section 350.

(10) Power to hear or refer appeals from convictions by Magistrates of the second and third classes, section 407.

(12) Power to order inquiry into complaint dismissed or case of accused discharged, section 436.

(13) Power to order commitment, section 437.

(14) Power to report case to High Court, section 438.”

<sup>2</sup> The words “in case of sedition” were deleted by Bom. 34 of 1953, s. 10(2).

<sup>3</sup> Inserted by the Code of Criminal Procedure Amendment Act, 1923 (18 of 1923), s. 160.

<sup>4</sup> Items (15) and (16) rep. by s. 3 and Sch. II of the Repealing and Amending Act, 1925 (37 of 1925).